

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN FERNANDEZ,

Plaintiff,

v.

DAWN JONES, *et al.*,

Defendants.

Case No. 3:21-cv-00522-RCJ-CSD

ORDER

I. DISCUSSION

On May 19, 2022, The Court screened Plaintiff's civil rights complaint under 28 U.S.C. § 1915A. (ECF No. 8.) The Court's screening order deferred a decision on Plaintiff's application to proceed *in forma pauperis* and warned Plaintiff that the action could be dismissed without prejudice if he failed to file an amended complaint by that deadline. (*Id.* at 6.) That deadline expired and Fernandez did not file an amended complaint, move for an extension, or otherwise respond.

On December 20, 2022, the Court granted Plaintiff's application to proceed *in forma pauperis* and dismissed this case without prejudice based on Plaintiff's failure to file an amended complaint. (ECF No. 9.) The Court's order came back as undeliverable because Plaintiff had transferred to another prison and not updated his address with the Court. (ECF No. 11.)

Plaintiff has now filed two identical motions for clarification. (ECF Nos. 13, 15.) In his motions, Plaintiff notes that the Court's screening order deferred a decision on his application to proceed *in forma pauperis* and stated that the case would be dismissed without prejudice if he did not file an amended complaint. (*Id.*) Plaintiff seeks clarification for why he is now being charged a \$350.00 filing fee for this case. (*Id.*)

Plaintiff is correct that the Court deferred a decision on his application to proceed *in forma pauperis* and warned him that the case would be dismissed without prejudice. The Court ultimately did dismiss the case without prejudice. But the fact that the case

1 was dismissed without prejudice does not mean that Plaintiff is excused from paying the
2 filing fee for this case. As stated in the financial certificate that Plaintiff signed and
3 submitted with his application to proceed *in forma pauperis*, Plaintiff “must continue to
4 make installment payments until the \$350.00 filing fee is fully paid, without regard to
5 whether [this] action is closed.” (ECF No. 4 at 5.)

6 Because Plaintiff did not receive a copy of the screening order, the Court will direct
7 the Clerk of the Court to send Plaintiff another copy of the Court’s screening order. In
8 light of this explanation, Plaintiff’s requests for clarification are denied.

9 **II. CONCLUSION**

10 For the foregoing reasons, it is ordered that Plaintiff’s requests for clarification
11 (ECF Nos. 13, 16) are denied.

12 It is further ordered that the Clerk of the Court send Plaintiff a courtesy copy of the
13 dismissal order (ECF No. 9.)

14
15 DATED THIS 20th day of March 2023

16
17 
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28